

Robert L. Herbst (RLH8851)
HERBST LAW PLLC
420 Lexington Avenue
New York, New York 10170
(646) 543-2354
rherbst@herbstlawny.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN ASHMORE,

Plaintiff,

11-CIV-8611 (AT/JC)

v.

CGI GROUP INC. and CGI FEDERAL INC.,

Defendants.

NOTICE OF APPEAL

BARBARA A. EDWARDS, CHAPTER 7
TRUSTEE OF THE BANKRUPTCY ESTATE
OF BENJAMIN JEFFREY ASHMORE,

Plaintiff,

v.

CGI GROUP INC. and CGI FEDERAL INC.,
Defendants.

PLEASE TAKE NOTICE that plaintiff, by his attorneys, HERBST LAW PLLC, hereby appeals to the United States Court of Appeals for the Second Circuit from the Final Judgment (and each and every part thereof) entered on August 10, 2018 (Torres, J.), dismissing plaintiff's claims in their entirety and granting final judgment to defendants on those claims, and from all prior orders upon which it is based, including, without limitation, the September 23, 2015

Memorandum and Order granting summary judgment to defendants on plaintiff's breach of contract claim; the May 9, 2016 Memorandum and Order dismissing plaintiff's Section 806 Sarbanes-Oxley retaliation claim pursuant to F.R.C.P. 12(b)(1) purportedly for lack of standing and subject matter jurisdiction; and the August 10, 2018 Memorandum and Order (1) denying plaintiff's Motion for Reconsideration of the May 9, 2016 Memorandum and Order, and (2) restoring the Section 806 claim to plaintiff but dismissing it pursuant to F.R.C.P. 12(b)(6) purportedly on grounds of judicial estoppel.

Dated: New York, New York
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HERBST LAW PLLC

/s/ Robert L. Herbst
Robert L. Herbst (RH-8851)
Attorneys for Plaintiff
420 Lexington Avenue
New York, New York 10170
(646) 543-2354
fax (888) 482-4676
rherbst@herbstlawny.com